2254 ✓ 1983 ___
FILING FEE PAID
Yes ✓ No ___
IFP MOTION FILED
Yes ✓ No ___
COPIES SENT TO
Court ✓ ProSe ___

FILED
NOV - 7 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KM DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Petitioner:

James Robert Barkacs

v.

D. Adams (WARDEN) Respondents

'07 CV 2139 JAH WMc
Civil No.

REQUEST FOR APPOINTMENT OF COUNSEL UNDER THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. 2000e 5(f)(1); DECLARATION IN SUPPORT OF REQUEST

1. I, the plaintiff in the above-entitled employment discrimination action, request that the court appoint an attorney to represent me in this matter. In support of this request, I state as follows:

(A.) my claim is meritorious (that is, I have a good case), and

B. I have made a reasonably diligent effort to obtain counsel, and

(C.) I am unable to find an attorney willing to represent me on terms that I can afford.

2. A copy of the Notice-of-Right-to-Sue-Letter I received from the Equal Opportunity Commission is attached to the complaint which accompanies this request for counsel.

3. A. Does the Notice-of-Right-to-Sue-Letter show that the Commission found "no reasonable cause" to believe the allegations made in your charge were true?

_____ Yes _____ No

IF YOUR ANSWER IS "YES," YOU MUST ATTACH A COPY OF THE COMMISSION'S INVESTIGATIVE FILE TO THIS REQUEST AND ANSWER QUESTIONS B AND C.

B. Do you question the correctness of the Commission's "no reasonable cause" determination?

_____ Yes _____ No

C. If you answered "yes" to question 3B, what are your reasons for questioning the Commission's determination? Be specific and support your objections with fact. Do not simply repeat the allegations made in your complaint; the court will review your complaint in considering this request for counsel.

(Attach additional sheets as needed)

4. Have you talked with any attorney about handling your claim?

____ Yes X No

If "YES," give the following information about each attorney with whom you talked:

Attorney: ________________

When: ________________

Where: ________________

How (by telephone, in person, etc.): ________________

Why attorney was not employed to handle your claim: ________________

Attorney: ________________

When: ________________

Where: ________________

How (by telephone, in person, etc.): ________________

Why attorney was not employed to handle your claim:

Attorney: ________________

When: ________________

Where: ________________

How (by telephone, in person, etc.): ________________

Why attorney was not employed to handle your claim:

(Attach additional sheets as needed)

5. Explain any other efforts you have made to contact an attorney to handle your claim: I have made no efforts to contact an attorney to represent me in federal Court. I do not know any attorneys that do pro Bono work. I do not have proper funds to pay an attorney to appeal an LWOP case.

6. Give any other information which supports your application for the court to appoint an attorney for you: I know counsel should be appointed due to the complexity of the issues set forth in my Habeus petition. At first sight my petition shows a real possibility of federal constitutional error. my ability to articulate the issues are poor. Because my sentence LWOP, age, time constraints, access to law library, little intelligence concering the law. Counsel must be appointed to afford due process 14th amendment

7. Give the name and address of each attorney who has represented you in the last 10 years for any purpose: Gilbert newton - arraignment, plea, preliminary hearing. 133 W. Lexington ave. El Cajon, CA 92020

David Rawson - Trial
410 S. melrose dr. suite 218
Vista, CA 92081

Nancy J. King - appeal
1400 sixth ave. Suite 210C
San Diego, CA 92101

(any other attorneys unknown as name, adress, hearings, matters etc.)

(Attach additional sheets as needed)

8. I cannot afford to obtain a private attorney. The details of my financial situation are listed below:

A. Employment

Are you employed now? ___ yes X no ___ am self-employed

Name and address of employer:

(ii) Cash

Have you any cash on hand or money in savings or checking accounts? X yes ___ no

If "YES," state total amount: 1,585.31

(iii) Property

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ___ yes X no

If "YES," give value and describe it:

Value	Description

C. Obligations and Debts

(i) Dependents

Your marital state is: X single ___ married ___ widowed, separated or divorced.

Your total number of dependents is : ______

List those person you actually support, your relationship to them, and your monthly contribution to their support: NA

Name/Relationship	Monthly Support Payment

(ii) Debts and Monthly Bills

List all creditors, including banks, loan companies and charge accounts, etc.

Creditor	Total Debt	Monthly Payment

Rent: ______________________________

Mortgage on Home: ______________________________

Others: [illegible] [illegible] Restitution is 55% of money sent to inmates.
[illegible] $1,059 ~~[illegible]~~ begining

Current Restitution 1,009.05

9. Signature

I declare under penalty of perjury that the above is true and correct.

Dated: 10/30/07

[signature]
Signature

(Notarization is not required)